



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,917	08/22/2003	Syunsuke Komatsudani	KOMATSUDANI ET AL 1	1944

25889 7590 12/27/2005

WILLIAM COLLARD
COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
----------	--------------

1755

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,917

Applicant(s)

KOMATSUDANI ET AL.

Examiner

Elizabeth A. Bolden

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1755

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 22 August 2003 was considered by the Examiner.

Claim Objections

Claim 4 is objected to because of the following informalities: minor typographical errors.

In claim 4, line 2 there is a space missing between claim and 1 in the phrase "claim1".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Monneraye et al., U.S. Patent 3,912,525.

Monneraye et al. disclose lithium zinc borosilicate having overlapping ranges of components with instant claims 1-5, 7, and 8. See abstract of Monneraye et al. and column 1, line 59 to column 2, line 12. The compositional ranges of Monneraye et al. are sufficiently

Art Unit: 1755

specific to anticipate the glass recited in claims 1-5, 7, and 8. See MPEP 2131.03. Moreover, Example 10 of Monneraye et al. anticipate the glass recited in claims 1-5. See Tables I.

Monneraye et al. disclose that the glass material is made into a powder. See column 3, lines 14-17.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Monneraye et al. would inherently have the same crystallization temperature as recited in claim 6. See MPEP 2112.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al., U.S. Patent 6,635,193.

Fukushima et al. disclose dielectric glass composition having overlapping ranges of components with instant claims 1-5, 7, and 8. See Abstract of Fukushima et al., column 2, lines 21-25 and 46-50, and column 5, lines 44-57. The compositional ranges of Fukushima et al. are sufficiently specific to anticipate the glass recited in claims 1-5, 7, and 8. See MPEP 2131.03.

Fukushima et al. disclose that the glass material is made into a powder and the glass powder has an average particle size of 3 μm . See column 2, lines 26-28 and column 6, lines 52-59.

Since the composition of the reference is the same as those claimed herein it follows that the glasses of Fukushima et al. would inherently have the same crystallization temperature as recited in claim 6. See MPEP 2112.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1755

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monneraye et al., U.S. Patent 3,912,525 in view of Takeuchi et al., U.S. Patent 4,649,125.

As shown above, Monneraye et al. discloses a glass powder composition that anticipates claims 1-8. See Abstract and Example 10 of Monneraye et al. and above rejection.

Monneraye et al. does not disclose the particle size of the glass powder.

Takeuchi et al. teaches a dielectric composition comprising of a glass. See Abstract and column 4, lines 47-59. Takeuchi et al. teaches that the glass powder comprises overlapping glass components and the glass powder has an average particle size of 5 μm . See Abstract, column 4, lines 5-12, and column 6, lines 25-30.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a dielectric composition of Monneraye et al. as suggested by Takeuchi et al. because it would be obvious to one of ordinary skill in the art at the time the invention was made to make the powder size of Monneraye et al. as described by Takeuchi et al. See column 6, lines 25-30 of Takeuchi et al.

Conclusion

The additional references cited on the 892 have been cited as art of interest since they are considered to be cumulative to or less than the art relied upon in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1755

**** Please note that the Examiner, Elizabeth A. Bolden will be out of the office for an extended period of time starting on or about 19 January 2006 and returning approximately 10 February 2006. You can leave me a voicemail message, which I will try to check intermittently, otherwise please contact my supervisor Jerry Lorengo at the above telephone number. Sorry for this inconvenience. ****

EAB

12 December 2005


KARL GROUP
PRIMARY EXAMINER
GROUP 1755